

4381
REGISTRY

SECRET

THE WHITE HOUSE

WASHINGTON

August 24, 1979

***FILE** Legal 5
Executive Registry
79-8195

MEMORANDUM FOR:

DD/A Registry
79-2809

THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE DIRECTOR OF CENTRAL INTELLIGENCE

Also: Commo S
Also: Liaison A

SUBJECT: Electronic Surveillance and Physical Searches Conducted by the Department of Defense Outside the United States for Foreign Intelligence Purposes (S)

I hereby amend Presidential Directive NSC-19 to include a delegation of power to military judges to authorize electronic surveillance and physical searches directed against United States persons who are outside the United States. The military judges included in this delegation are those who are authorized by 10 U.S.C. section 826 to preside at general courts-martial and who are designated by the Secretary of Defense to exercise this delegation of power. The Secretary of Defense may designate only military judges who are located outside the United States. Military judges may exercise this power only through issuance of warrants and only with respect to persons who are subject to the Uniform Code of Military Justice. 10 U.S.C. section 802, articles 2(1)-(10). Warrants may be issued only on a finding of probable cause that the United States person is an agent of a foreign power and only when necessary to obtain significant foreign intelligence or counterintelligence. Physical searches may entail unconsented entry into real or personal property but shall use the minimum intrusion necessary to obtain information. This amendment also empowers military judges to approve surreptitious and continuous monitoring as defined in Executive Order 12036 under the same terms applicable to electronic surveillance. (S)

NSC Review Completed.

Jimmy Carter

SECRET

Classified by Harold Brown
Review on August 15, 1985

03-9-2156

EXECUTIVE SECRETARIAT (O/DCI)

Routing Slip

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	DD/RM				
4	DD/NFA		X		
5	DD/CT				
6	DD/A		X		
7	DD/O		X		
8	DD/S&T		X		
9	GC		X		
10	LC				
11	IG		X		
12	Compt				
13	D/PA				
14	D/EE0				
15	D/Pers				
16	AO/DCI				
17	C/IPS				
18	SA/DCI/L		X		
19					
20					
21					
22					

SUSPENSE DATE:

Remarks:

9437 (4-78)

By Executive Secretary

28 AUG 78

Date

25X1

ROUTING AND TRANSMITTAL SLIP		Date
TO: (Name, office symbol, room number, building, Agency/Post)		Initials Date
1. EO/DDA		[Signature] 8/28
2.		
3. Director of Security		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

PD-19

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post) <div style="text-align: center; padding: 5px;">EO/DDA</div>	Room No.—Bldg. <hr/> Phone No.
--	---------------------------------------

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
 Prescribed by GSA
 FPMR (41 CFR) 101-11.206

☆ U.S. GOVERNMENT PRINTING OFFICE: 1979—281-184/1